

BEFORE THE DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)
Against:)

GLEN G. CAYLER, M.D.)
Certificate No. A-13901)

Respondent.)
_____)

No. D-4411

DECISION

The attached Stipulation
is hereby adopted by the Division of Medical Quality of the
Medical Board of California as its Decision in the above-entitled
matter.

This Decision shall become effective on November 27, 1991.

IT IS SO ORDERED October 28, 1991.

DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA



THERESA CLAASSEN
Secretary/Treasurer

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 JOEL S. PRIMES, Supervising
Deputy Attorney General
3 1515 K Street, Suite 511
P.O. Box 944255
4 Sacramento, CA 94244-2550
Telephone: (916) 324-5340

5 Attorneys for Complainant
6

7 BEFORE THE
DIVISION OF MEDICAL QUALITY
8 MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
9 STATE OF CALIFORNIA

10 In the Matter of the Accusation)
11 Against:)

No. D-4411

12 GLEN GARTH CAYLER, M.D.)
714 P Street, #1640)
13 Sacramento, CA 95814)

STIPULATION AND ORDER

14 Physician's and Surgeon's)
Certificate No. A13901)
15

SURRENDER OF
PHYSICIAN AND
SURGEON CERTIFICATE

16 Respondent.)

17 IT IS HEREBY STIPULATED AND AGREED by and between the
18 parties to the above entitled matter as follows:

19 1. An Accusation is presently pending against
20 respondent Glen Garth Cayler, M.D. (hereinafter "respondent") in
21 the above matter.

22 2. Respondent has retained David H. Tennant as counsel
23 and has consulted with him on this Stipulation and Surrender of
24 Physician and Surgeon Certificate.

25 3. Respondent has fully discussed the charges and
26 allegations contained in said Accusation No. D-4411 on file with
27 the Division of Medical Quality, Medical Board of California,

1 with his counsel.

2 4. Respondent is fully aware of his right to a hearing
3 on the charges and allegations contained in said Accusation, his
4 right to reconsideration, appeal and any and all other rights
5 which may be accorded him pursuant to the California
6 Administrative Procedure Act and the laws of the State of
7 California.

8 5. Respondent hereby freely and voluntarily waives his
9 right to a hearing, reconsideration, appeal and any and all other
10 rights which may be accorded him by the California Administrative
11 Procedure Act and the laws of the State of California with regard
12 to said Accusation on file with the Division of Medical Quality,
13 Medical Board of California.

14 6. Respondent admits, for the purposes of this
15 proceeding that grounds for discipline exist as follows:

16 A.

17 On August 8, 1990, in the Superior Court of the County
18 of Sacramento, State of California, in a proceeding entitled
19 People of the State of California v. Glen Garth Cayler, case
20 number 095293, respondent by his guilty plea was convicted of
21 Section 647.6 of the Penal Code, Counts 1, 2 and 3, as
22 misdemeanors, reasonably related to offenses to violation of
23 section 288(a) of the Penal Code. Respondent was placed on
24 formal probation for eight (8) years. Probation is not to
25 terminate before May 1, 1998. The terms of probation are as
26 follows:

27 / / /

1 1. Respondent shall participate in the Alternative
2 Sentencing Program for a total of 500 hours, to be completed
3 within 2 years; in lieu of jail sentence.

4 2. Respondent seek and obtain professional counseling
5 and/or treatment to include sexual offender counseling.

6 3. Respondent is subject to search of person, property
7 or automobile.

8 4. Respondent shall not be in the presence of any
9 minor under the age of 18 without a responsible adult
10 present as approved by the Probation Officer, by written
11 authorization.

12 5. Respondent must register as a convicted sexual
13 offender in any city or county in which he resides.

14 6. Restitution of \$12,076.50.

15 7. Respondent must comply with all reasonable
16 instructions from the Office of Revenue Reimbursements
17 (hereinafter ORR).

18 8. Report to ORR for probation supervision and
19 incarceration.

20 9. Respondent shall have no contact whatever with the
21 victim, his daughter, before May 1, 1998.

22
23 7. Respondent agrees to freely and voluntarily
24 surrender his Physician and Surgeon Certificate No. A-13901 to
25 the Division of Medical Quality, Medical Board of California.

26 8. Respondent recognizes that upon the surrender of
27 his certificate to the Division of Medical Quality, Medical Board

1 of California, respondent will lose all rights and privileges in
2 the State of California accorded by his licensure as a physician
3 and surgeon.

4 9. Respondent shall not apply for licensure as a
5 physician and surgeon in the State of California for a period of
6 ten years after the effective date of this stipulation. If
7 respondent applies for certification as a physician and surgeon
8 in the State of California in the future, the application shall
9 be treated by the Medical Board of California as an original
10 application, and the Medical Board of California may consider
11 inter alia any and all information gathered in connection with
12 Accusation No. D-4411 in its decision to grant or deny said
13 future application for a certificate by respondent.

14 10. The parties agree that the Stipulation and
15 Surrender of Certificate of Licensure recited hereinabove shall

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1 be null and void and not binding upon the parties herein unless
2 it is approved by the Division of Medical Quality, Medical Board
3 of California.

4 DATED:

5 DANIEL E. LUNGREN, Attorney General
6 of the State of California

7 
8 JOEL S. PRIMES, Supervising Deputy
9 Attorney General

10 Attorneys for Complainant

11 DATED:

8/22/91

12 
13 DAVID H. TENNANT

14 Attorney for Respondent

15 DATED: 8/20/91

16 
17 GLEN GARTH CAYLER, M.D.

18 Respondent

19 03573110SA90AD1906
20 8/8/91

1 JOHN K. VAN DE KAMP, Attorney General
of the State of California
2 JOEL S. PRIMES, Supervising
Deputy Attorney General
3 1515 K Street, Suite 511
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DIVISION OF MEDICAL QUALITY
8 MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
9 STATE OF CALIFORNIA

10 In the Matter of the Accusation) No. D-4411
11 Against:)
12 GLEN GARTH CAYLER, M.D.) ACCUSATION
714 P Street, #1640)
13 Sacramento, CA 95814)
14 Physician's and Surgeon's)
Certificate No. A13901)
15 Respondent.)

16 Kenneth M. Wagstaff, the complainant herein, alleges as
17 follows:

18 1. He is the Executive Director of the Medical Board
19 of California and makes these allegations in his official
20 capacity as such.

21 2A. On or about October 2, 1950, respondent Glen Garth
22 Cayler, M.D., (hereinafter "respondent") was issued physician's
23 and surgeon's certificate number A13901 under the laws of the
24 State of California. At all times herein mentioned, said
25 certificate was in full force and effect.

26 2B. Respondent is not a supervisor of a physician
27 assistant.

1 3. Section 2234 of the Business and Professions Code
2 (hereinafter "the Code") provides that the Division of Medical
3 Quality of the Medical Board of California shall take action
4 against a holder of a physician's and surgeon's certificate who
5 is guilty of unprofessional conduct.

6 4. Section 2236 of the Business and Professions Code
7 provides:

8 "(a) The conviction of any offense substantially related
9 to the qualifications, functions, or duties of a physician
10 and surgeon constitutes unprofessional conduct within the
11 meaning of this chapter. The record of conviction shall be
12 conclusive evidence only of the fact that the conviction
13 occurred.

14 "(b) The division may inquire into the circumstances
15 surrounding the commission of the crime in order to fix the
16 degree of discipline or to determine if such conviction is
17 of an offense substantially related to the qualifications,
18 functions, or duties of a physician and surgeon. A plea or
19 verdict of guilty or a conviction following a plea of nolo
20 contendere made to a charge substantially related to the
21 qualifications, functions, or duties of a physician and
22 surgeon is deemed to be a conviction within the meaning of
23 this section.

24 "(c) Discipline may be ordered in accordance with
25 Section 2227, or the Division of Licensing may order the
26 denial of the license when the time for appeal has elapsed,
27 or the judgment of conviction has been affirmed on appeal,

1 or when an order granting probation is made suspending the
2 imposition of sentence, irrespective of a subsequent order
3 under the provisions of Section 1203.4 of the Penal Code
4 allowing such person to withdraw his or her plea of guilty
5 and to enter a plea of not guilty, or setting aside the
6 verdict of guilty, or dismissing the accusation, complaint,
7 information, or indictment."

8 5. Respondent is subject to disciplinary action
9 pursuant to Section 2234 of the Business and Professions Code in
10 that he is guilty of unprofessional conduct in violation of
11 section 2236 of the Code as more particularly alleged
12 hereinafter:

13 A.

14 On August 8, 1990, in the Superior Court of the County
15 of Sacramento, State of California, in a proceeding entitled
16 People of the State of California v. Glen Garth Cayler, case
17 number 095293, respondent by his guilty plea was convicted of
18 Section 647.6 of the Penal Code, Counts 1, 2 and 3, as
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20 section 288(a) of the Penal Code. Respondent was placed on
21 formal probation for eight (8) years. Probation is not to
22 terminate before May 1, 1998. The terms of probation are as
23 follows:

24 1. Respondent shall participate in the Alternative
25 Sentencing Program for a total of 500 hours, to be completed
26 within 2 years; in lieu of jail sentence.

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1 2. Respondent seek and obtain professional counseling
2 and/or treatment to include sexual offender counseling.

3 3. Respondent is subject to search of person, property
4 or automobile.

5 4. Respondent shall not be in the presence of any
6 minor under the age of 18 without a responsible adult
7 present as approved by the Probation Officer, by written
8 authorization.

9 5. Respondent must register as a convicted sexual
10 offender in any city or county in which he resides.

11 6. Restitution of \$12,076.50.

12 7. Respondent must comply with all reasonable
13 instructions from the Office of Revenue Reimbursements
14 (hereinafter ORR).

15 8. Report to ORR for probation supervision and
16 incarceration.

17 9. Respondent shall have no contact whatever with the
18 victim, his daughter, before May 1, 1998.

19 B.

20 The circumstances of the criminal convictions are that
21 respondent sexually molested his 6 year old daughter, with the
22 intent of arousing, appealing to, and gratifying the lust,
23 passions, and sexual desires of respondent and his daughter.

24 C.

25 Respondent's conduct is substantially related to the
26 qualifications, functions and duties of a physician.

27 WHEREFORE, complainant prays that the Division of

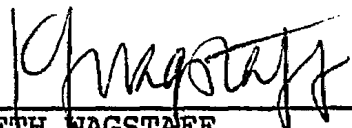
1 Medical Quality hold a hearing on the matters alleged herein and
2 following said hearing issue a decision:

3 1. Suspending or revoking physician's and surgeon's
4 certificate number A13901 issued to respondent Glen Garth Cayler,
5 M.D.;

6 2. Prohibiting respondent from supervising any
7 physician assistants; and

8 3. Taking such other and further action as may be
9 proper.

10 DATED: November 15, 1990.

11 
12 _____
13 KENNETH WAGSTAFF
14 Executive Director
15 Medical Board of California
16 State of California

17 Complainant

18 JSP:hf 10/31/90
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